

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],  
Claimant

Reg. No: 2010-2825  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
December 17, 2009  
Mecosta County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's request for a hearing to protest the denial of claimant's MA and SDA cases at review. After due notice, a telephone hearing was held on December 17, 2009. Claimant was represented at the hearing by attorney [REDACTED] of [REDACTED].

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA) and State Disability Assistance (SDA) at review?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) In July, 2009, claimant's MA and SAD cases were scheduled for review with the Michigan DHS.

- (2) Claimant had previously been approved by MRT in July, 2008.
- (3) On 7/14/09, MRT denied continuing eligibility.
- (4) On 7/15/09, the department issued notice.
- (5) On 9/16/09, claimant filed a hearing request. The negative action took place.
- (6) On 10/26/09, SHRT denied claimant.
- (7) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Prior to the submission of new medical documentation, on March 5, 2010 the undersigned Administrative Law Judge received verification from claimant's attorney indicating that claimant received a fully favorable SSA decision.
- (8) Claimant's onset date is identified as 2/15/05. There are no months left for a substantive review in the case herein.

#### CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition for continuing eligibility for both the MA and SDA programs at review pursuant to claimant's review at issue herein for the month of July, 2009 and continuing. It is ordered that the department reinstate claimant's cases from the time of closure and keep these cases open if eligibility otherwise exists. The department shall issue any supplemental benefits to claimant to which she may be entitled, if eligibility otherwise exists.

The department shall review this case in accordance with its usual policy and procedure.

/s/\_\_\_\_\_  
Janice Spodarek  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 15, 2010

Date Mailed: March 18, 2010

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

2010-2825/JS

JS/lk

cc:

